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REMARKS

In response to the Final Office Action mailed on November 30, 2005, Applicants respectfully request reconsideration. Claims 1- 20 were pending in this Application. Claims 1, 7, 12, and 18 are independent claims and the remaining claims are dependent claims. Claims 1, 3, 7, 9, 12, 14, and 18 have been amended; and claims 21-23 have been added. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Preliminary Matters

Applicants appreciate the courtesy extended Applicants representatives in a telephone conversation on January 23, 2006. During the telephone conversation, claim language was discussed, including the temporal offset for the temporal period.

Rejections under §102

Claims 1-4 and 12-15 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,737,330 to Fulthorp et al. (hereinafter Fulthorp). Fulthorp teaches a system and method for the efficient control of a radio communications network. The Examiner stated that Fulthorp teaches the use of a temporal offset for a temporal period at column 2, lines 26-46. Applicants respectfully disagree with the Examiner's assertion. A careful review of Fulthorp at column 2, lines 26-46 discloses each of a plurality of remote radio units that transmit a poll request to a base station. The base station then transmit a poll signal which includes a poll response sequence which indicates a time frame in which a radio unit may respond to the poll signal. Thus, Fulthorp arguably discloses receiving a polling request that specifies a first temporal period for a plurality of expected future transmissions. Fulthorp does not disclose or suggest estimating a first temporal offset for said first temporal period.

In contrast to Fulthorp, claim 1 recites estimating a first temporal offset for the first temporal period based on at least one of when said response was received, and when at least one of said plurality of polls was transmitted. As stated in the specification as filed at paragraph 9, the temporal offset for the temporal period is used

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to establish an advantageous polling schedule (rather than using just the temporal period) that reduces the delay between when a station queues a frame and when a station transmits a frame. Accordingly, since Fulthorp fails to disclose or suggest the use of a temporal offset with the temporal period claim 1 is believed allowable over Fulthorp.

The Examiner also stated that Fulthorp teaches the poll signal includes a poll response sequence indicative of a particular timeframe in which each of the remote radio units will respond to the poll signal. Fulthorp further discloses a control unit in each of the remote units controls transmission of the data in a particular time frame such that each of the remote radio units transmit data in the second mode in the time frame corresponding to the response sequence in the detected poll signal. From this, Fulthorp is arguably determining a polling schedule using temporal periods (a period for each remote radio unit.) Fulthorp does not disclose estimating a first temporal offset for the temporal period based on at least one of (i) when said response was received; and (ii) when at least one of said plurality of polls was transmitted. Once again, if the Examiner is to maintain this rejection he is asked to specifically point out where in Fulthorp the temporal period is recited and further where the temporal offset is disclosed.

The Examiner further stated that the claim language does not reflect the limitations "temporal offset for the temporal period is used to reduce the delay between when a station queues a frame and when a station transmits a frame". "Expressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim." Ex parte Thibault, 164 USPQ 666, 667 (Bd. App. 1969). Thus the intended use is not usually given patentable consideration, thus the claim does not need to recite the intended use of the temporal offset, just reflect that after a temporal period is acquired, a temporal offset is determined for the temporal period (thereby changing the polling schedule from merely including temporal periods for different transmissions to including temporal periods modified by temporal offsets), whereas Fulthorp merely determines a polling schedule using temporal periods (not further modified by temporal offsets). None the less, in

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order to expedite allowance of the present application, Applicants have amended Claim 1 to include "wherein the temporal offset for the temporal period reduces a delay between when a station queues a frame and when a station transmits a frame".

Claim 12 has been amended in a similar manner to recite similar language as claim 1 and is believed allowable for the same reasons as claim 1. Claims 3-4 and 14-15 depend from claims 1 or 12 and are believed allowable as they depend from a base claim that is believed allowable.

Further, claim 3 recites in part a second temporal period and a second temporal offset and further recites establishing a transmission schedule based on the second temporal offset and the second temporal period. Claim 3 has also been amended to recite wherein said second response is used since said second response may not include a time required to gain contention based access to a shared communications channel while said first response may include a time required to gain contention based access to a shared communications channel. Again, Fulthrop fails to disclose or suggest a second temporal offset and establishing a transmission schedule based on the second temporal period and the second temporal offset and wherein said second response is used since said second response may not include a time required to gain contention based access to a shared communications channel while said first response may include a time required to gain contention based access to a shared communications channel. Claim 14 has been amended in a similar manner.

Accordingly, for the reasons presented above, the rejection of claims 1-4 and 12-15 under 35 U.S.C. §102(e) as being anticipated by Fulthrop is believed to have been overcome.

Rejections under §103

Claims 6 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fulthrop in view of U.S. Patent No. 4,750,171 to Kedar et al. (hereinafter Kedar). Claims 6 and 17 depend from claims 1 or 12 and are believed allowable as they depend from a base claim that is believed allowable. Accordingly, the rejection of claims 6 and

17 under 35 U.S.C. §103(a) as being unpatentable over Fulthorp in view of Kedar is believed to have been overcome.

Claims 5 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fulthorp in view of U.S. Patent No. 4,104,512 to Strayer (hereinafter Strayer). Claims 5 and 16 depend from claims 1 or 12 and are believed allowable as they depend from a base claim that is believed allowable. Further, claims 5 and 16 recites combining a polling schedule and a transmission schedule into a composite schedule wherein the composite schedule avoids collisions between the polling schedule and the transmission schedule if said polling schedule and said transmission schedule were used alone. The composite schedule is used to avoid collisions between the polling schedule and the transmission schedule if they were used separately. The Examiner stated that Strayer discloses the same at column 2, lines 57-66 and column 3, lines 15-25. Strayer discloses a polling scheduler and a message transmit scheduler which arguably comprise a polling schedule and a transmission schedule, but fails to disclose or suggest a composite schedule resulting from a combination of a polling schedule and a transmission schedule. If the Examiner is to maintain this rejection, the Examiner is requested to explicitly point out where in Strayer the composite schedule is described, and further where Strayer discloses that the composite schedule comprises a combination of the polling schedule and the transmission schedule. Accordingly, the rejection of claims 5 and 16 under 35 U.S.C. §103(a) as being unpatentable over Fulthorp in view of Strayer is believed to have been overcome.

The Examiner rejected claims 7-11 and 18-20 under 35 U.S.C. §103(a) as being unpatentable over Fulthorp in view of Strayer and in view of U.S. Patent Publication No. 2002/0024929 to Breucker et al. (hereinafter Breuckner). Neither Fulthorp, Strayer nor Breucker, taken alone or in combination, disclose or suggest estimating a first temporal offset for the first temporal period based on at least one of when a response was received, and when at least one of a plurality of polls was transmitted. Fulthorp and Strayer have been discussed above. Brueckner teaches slot-time measurements between two poll messages with acknowledgements or between a poll message with acknowledgement and a token message. Brueckner fails to disclose or suggest

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estimating a temporal period and temporal offset based on a second response to a poll or when a second poll was transmitted.

Claims 7 and 18 have been amended in a similar manner as claim 1 and are believed allowable for the same reasons. A description of why this is advantageous is shown in paragraph 53 wherein this takes into account that there might be a significant time delay between a station's queuing a frame for transmission and an access points first poll to the station after receiving the station's polling request. Claims 9 and 11 have been amended in a similar fashion as claims 3 and 5 and are believed allowable for the same reasons as claims 3 and 5 as discussed above. Accordingly, claims 7 and 18 are believed allowable. Claims 9-11 and 20 depend from claim 7 or 18 and are believed allowable as they depend from a base claim that is believed allowable.

Claims 21-23 have been added. Support for claims 21-23 can be found in the specification at page 11, paragraph 70 through page 12, paragraph 80. Applicants submit that no new matter has been added.

In view of the above, the Examiner's rejections are believed to have been overcome, placing claims 1, 3-7, 9-12, 14-18 and 20-23 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

If the U.S. Patent and Trademark Office deems a fee necessary, this fee may be charged to the account of the undersigned, Deposit Account No. 50-3735.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,



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Attorney Docket No.: AVA04-05

Dated: March 23, 2006